IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5708 OF 2004

Balu @ Shivaji Tukaram Chaudhari ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mrs. Pranali Kakade for the Applicant.
Shri K.V.Saste, APP the Respondent State.

CORAM : A.M.KHANWILKAR, J.
DATED : MARCH 03, 2005

PC :-

1. Heard counsel for the parties.

2. This bail application is filed by the accused No.1 in C.R. No. 108/2004, registered at Loni Kalbhor Police Station, for the offence punishable under sections 307, 120(B), 143, 144, 148, 149 and under sections 3 and 25 of the Arms Act. In addition, the offence under sections 3(1)(4) of MCOC Act, are also applied in the case of the applicant.

3. Prima facie, there is evidence to indicate complicity of the applicant in the commission of the offence. The allegation is that the Applicant

prevented the witnesses from giving evidence in a criminal case against co-accused. There is evidence that the applicant assaulted the complainant with the deadly weapon and also extended threats, pointing out revolver and the revolver was also seized from the scene of the offence. All these aspects have been considered by the court below at least on two occasions. There is no reason to depart from the said conclusion reached by the courts below. Besides, the State has filed reply affidavit before this court, sworn by R.B. Sardesai, Sr. Police Inspector, which discloses that there are nine criminal cases registered against the present applicant. Indeed, the counsel for the applicant informs that in three cases, the applicant has been acquitted. The fact remains that the criminal cases have been lodged against the applicant and one is for offence under the M.C.O.C. Act. Taking over all view of the matter and having regard to the mandate of section 21 (4) of the Act, not a case for bail. Hence, rejected.

4. As prayer for bail is rejected, the trial court is directed to ensure that the trial is expedited and disposed of as early as possible. Learned APP states that infact the charge has been

framed and the trial has already commenced. If it is so, the same be disposed of as expeditiously as possible uninfluenced by the observations made in this order or the orders passed on bail application preferred by the applicant.

5. Ordered accordingly.

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